

## **EXHIBIT D**

## TJ Preuss

---

**From:** Ryan L. Thompson <rthompson@wattsguerra.com>  
**Sent:** Tuesday, April 16, 2013 5:36 PM  
**To:** Ryan L. Thompson  
**Cc:** karen.woodward@sedgwicklaw.com; michael.walsh@sedgwicklaw.com; vturner@wilsonturnerkosmo.com; Douglas Marvin; Paul Boehm; Eva Esber; Amy Laurendeau; weitzelh@pepperlaw.com Weitzel; Allan A. Thoen; Colleen C. Kelly; Kenneth J. King; Julia C. Weisberg; Raymond M. Williams; Hunter Shkolnik; TJ Preuss; Tom P. Cartmell; Ramon Lopez; Matthew Lopez; Mikal C. Watts; Tor Hoerman; 'jplattenberger@torhoermanlaw.com' (jplattenberger@torhoermanlaw.com)  
**Subject:** Amylin 30(b)(6) Deposition Notices  
**Attachments:** Moses Scott Depo Notices41613.pdf

Amy:

Deposition notices related to Amylin attached.

Same agreement and deal as below. Please review and we'll work to find times/locations convenient to your clients.

Thanks very much,

Ryan

Ryan L. Thompson  
Managing Partner - Mass Torts  
Watts | Guerra LLP  
5250 Prue Road, Suite 525  
San Antonio, Texas 78240  
Office: 210.448.0500  
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[rthompson@wattsguerra.com](mailto:rthompson@wattsguerra.com)  
<http://www.TheMassTortsLawyers.com/>  
Licensed in Texas, Arizona, Illinois, and Oklahoma

On Apr 15, 2013, at 4:37 PM, Ryan L. Thompson wrote:

Doug/Paul/Eva/Et./Al.:

Please find attached courtesy copies of 30(b)(6) deposition notices that were served on Merck today.

You will note that I took the liberty of providing placeholder dates and locations for these depositions. Please accept this email as my intent to work cooperatively with you on picking a time and location for these

depositions. Once you have been able to review these notices, please let me know when you would like to get on a call to discuss the timing/location of same.

Note also, I will be sending out virtually identical notices to Amylin and Eli Lilly tomorrow. These notices will also have date and location placeholders, and I make the same agreement to work cooperatively re: those notices to find a convenient time and location for the depositions.

Thanks all and please let me know if there are any questions, etc.

Regards,

Ryan

P.S. -- I have emailed to everyone on the defense side that I have an email address for and are noted on the courts docket sheet for the consolidated cases. If I am omitting any defense counsel who require future notice, please kindly provide me with their email addresses.

Ryan L. Thompson  
Managing Partner - Mass Torts  
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<Merck Deposition Notices.pdf>

1 Christopher V. Goodpastor (#199350)  
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3 Ryan L. Thompson (admitted *Pro Hac Vice*)  
4 [rthompson@wattsguerra.com](mailto:rthompson@wattsguerra.com)  
5 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
6 [mcwatts@wattsguerra.com](mailto:mcwatts@wattsguerra.com)  
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8 5250 Prue Road, Suite 525  
9 San Antonio, Texas 78240  
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12 *Attorneys for Plaintiffs*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 MOSES SCOTT, INDIVIDUALLY, AND AS  
16 THE ADMINISTRATOR OF THE ESTATE  
17 OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

18 Plaintiff,

19 v.

20 MERCK & CO., INC, ET AL.

21 Defendants.

22 This document is also applicable to:

23 Wright v. Merck Co., et al., 12cv253-AJB  
24 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
25 Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
26 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
27 Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
28 Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
Raines v. Amylin Pharm., Inc., et al., 12cv256-AJB(MD)  
Haqq v. Amvlin Pharm., Inc., et al., 12cv2572-AJB(MD)  
Borden v. Merck & Co., Inc., et al. 12cv2782-AJB(MD)  
Ostman v. Amvlin Pharm., Inc., et al., 12cv2965-AJB(MD)  
Cacosa v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
Jav v. Amvlin Pharm., Inc., et al., 12cv3021-AJB(MD)  
Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

29 **PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED**

30 **DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)**

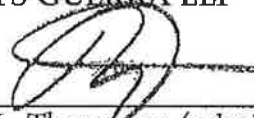
1 TO: Defendant Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals,  
2 Inc., by and through its attorneys of record Amy J Laurendeau,  
3 O'Melveny and Myers, 400 South Hope Street, Los Angeles, CA 90071-  
2899.

4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of O'Melveny and Myers, 400 South  
7 Hope Street, Los Angeles, CA 90071-2899. Defendant Amylin Pharmaceuticals, LLC  
8 f/k/a Amylin Pharmaceuticals, Inc. is requested to designate the person or persons  
9 most knowledgeable and prepared to testify on behalf of Amylin Pharmaceuticals,  
10 LLC f/k/a Amylin Pharmaceuticals, Inc. concerning the subject matter described on  
11 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on May 22,  
12 2013. If necessary, each deposition will be adjourned until completed.

13 Dated: April 16, 2013

Respectfully submitted,

14 WATTS GUERRA LLP

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
19 WATTS GUERRA LLP  
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21 *Attorneys for Plaintiff*

## **EXHIBIT A – ADVERSE EVENT REPORTING**

1. Communications between Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. and the FDA concerning the review, analysis and summaries of post-marketing adverse event reports regarding prescription drug, Byetta (exenatide synthetic).

2. The processes and procedures used by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. in connection with processing of adverse event reports, including the identification of policy manuals, SOPs, and safety or pharmacovigilance manuals.

3. Policies, procedures, training material, instructions, protocols, definitions and other writings which in any way relate to the collecting, analysis, follow-up, investigation, grading and reporting of injuries and damages associated with, the use of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.

4. Any and all Post Market reporting and/or Post Marketing Surveillance documents and materials including all Medwatch forms, all Adverse Experience (AE) reports, all corresponding documents, materials, notes, written and electronic data, medical records, correspondence, follow up communications, investigations and memoranda relating to every and all adverse experiences and/or events concerning the use of Byetta (exenatide synthetic), reported to, aware of and/or known by, defendants.

5. Copies of each source file or back-up file that contains documentation, records, memoranda, emails, consultant reports and other material that supports any and all data reported to FDA, foreign regulatory agencies, third party consultants and company safety surveyors, and which files and material are available to those responsible for reviewing, analyzing, summarizing, investigating and reporting Adverse Experiences to any source, including FDA.

6. Databases, computer programs or other means used to track any and all reports of adverse events in patients who received Byetta (exenatide synthetic).

7. Any and all information Defendants have presented to any Regulatory Agency, including the FDA and any foreign regulatory agency, regarding the submission of any adverse events, including any and all documents provided to the Regulatory Agencies in reporting adverse events.

8. Any and all standard operating procedures used to identify which adverse events will be reported to any regulatory agency, and the manner and timeframe in which the adverse events will be reported.

9. Any and all data analysis or trends of adverse events that were reported to Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. in patients injected with Byetta (exenatide synthetic), including any studies, research or documents prepared to reflect any analysis or trend.

10. Any and all writings which reflect, discuss and include adverse event reports evaluations, safety-related hypothesis and the use of techniques to evaluate these hypotheses.

11. Educational, promotional and instructive initiatives designed to emphasize the responsibility of Health Care Providers to identify and report adverse events related to the use of Byetta (exenatide synthetic).

12. Databases, computer programs or other means used to report to FDA, senior management at your company, outside consultants and company representatives who interact and communicate with health care providers reports of adverse events in patients who received Byetta (exenatide synthetic).

13. Written material, brochures, sales aids, training material, scripts and instructions provided to company representatives who interact and communicate with

health care providers regarding reports of adverse events in patients who received Byetta (exenatide synthetic).

14. Signal detection practices including any automated tools used to find, assess, and or review safety signals.

15. Scientific literature published by any employee of the company concerning adverse event reporting, pharmacovigilance, or signal detection practices.

16. Copies of presentations made by any employee of the company to any outside organization concerning adverse event reporting, pharmacovigilance, or signal detection.

17. Copies of posters presented by any employee of the company to any outside organization concerning adverse event reporting, pharmacovigilance, or signal detection.



## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Adverse Event Reporting, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

**WATTS GUERRA LLP**



---

Ryan L. Thompson (admitted *Pro Hac Vice*)  
Christopher V. Goodpastor (#199350)  
Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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Case No. 3:12-cv-02965; Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company; In the United States District Court for the Southern District of California, San Diego Division

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(949)429-0892 (fax)

Case No. 3:12-cv-03021; *Ann Jay, Individually and as Independent Executrix of the Estate of Jerry Jay, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-02965; *Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Thomas P. Cartmell  
Thomas J. Preuss  
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(817)701-1168

Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Stanley J. Marks  
Serena C. Montague  
BEGAM & Marks, P.A.  
111 West Monroe Street, Suite 1400  
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Office: 602-254-6071  
and  
Ramon Rossi Lopez,  
LOPEZ McHUGH LLP  
100 Bayview Circle, Suite 5600  
Newport Beach, CA 92660  
Telephone: (949) 737-1501  
Facsimile: (949) 737-1504

Case No. 3:12-cv-02782; *Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.*

*Patheon Pharmaceuticals, Inc.; Patheon Puerto Rico Inc. formerly known as Movva Pharmaceutical Corporation ; In the United States District Court for the Southern District of California, San Diego Division*

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Amylin Pharmaceuticals, LLC  
f/k/a Amylin Pharmaceuticals, Inc. ("Amylin, LLC")  
9360 Towne Centre Drive, Suite 100  
San Diego, CA 92121-3030  
Defendant

**Amylin Pharmaceuticals, LLC** represented by

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Fax: (213)430-6407

Eli Lilly and Company ("Eli Lilly")  
Lilly Corporate Center  
Indianapolis, Indiana 46285  
Defendant

**Eli Lilly and Company** represented by

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Jeffrey Michael Goldman  
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**Novo Nordisk Inc., Novo Nordisk A/S represented by:**

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3 Ryan L. Thompson (admitted *Pro Hac Vice*)  
4 [rthompson@wattsguerra.com](mailto:rthompson@wattsguerra.com)  
5 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
6 [mcwatts@wattsguerra.com](mailto:mcwatts@wattsguerra.com)  
7 WATTS GUERRA LLP  
8 5250 Prue Road, Suite 525  
9 San Antonio, Texas 78240  
10 Office: 210.448.0500  
11 Fax: 210.448.0501

12 *Attorneys for Plaintiffs*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 MOSES SCOTT, INDIVIDUALLY, AND AS  
16 THE ADMINISTRATOR OF THE ESTATE  
17 OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

18 Plaintiff,

19 v.

20 MERCK & CO., INC, ET AL.

21 Defendants.

22 This document is also applicable to:

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24 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
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26 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
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Cacosa v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
Jav v. Amvlin Pharm., Inc., et al., 12cv3021-AJB(MD)  
Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

29 **PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED**

30 **DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)**

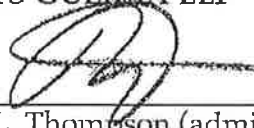
1 TO: Defendant Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals,  
2 Inc., by and through its attorneys of record Amy J Laurendeau,  
3 O'Melveny and Myers, 400 South Hope Street, Los Angeles, CA 90071-  
2899.

4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of O'Melveny and Myers, 400 South  
7 Hope Street, Los Angeles, CA 90071-2899. Defendant Amylin Pharmaceuticals, LLC  
8 f/k/a Amylin Pharmaceuticals, Inc. is requested to designate the person or persons  
9 most knowledgeable and prepared to testify on behalf of Amylin Pharmaceuticals,  
10 LLC f/k/a Amylin Pharmaceuticals, Inc. concerning the subject matter described on  
11 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on May 23,  
12 2013. If necessary, each deposition will be adjourned until completed.

13 Dated: April 16, 2013

Respectfully submitted,

14 WATTS GUERRA LLP

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
19 WATTS GUERRA LLP  
20 5250 Prue Road, Suite 525  
21 San Antonio, Texas 78240  
22 Office: 210.448.0500  
23 Fax: 210.448.0501

24 *Attorneys for Plaintiff*

## EXHIBIT A – RECORDS MANAGEMENT

1. The following document retention policies, procedures and topics:
  - a. Standard operating procedures or policies (as used by each department or division) regarding document retention, collection and management that would encompass documents relating to Byetta (exenatide synthetic);
  - b. The manner in which Defendants (as used by each department or division) have actually retained, collected and managed documents relating to Byetta (exenatide synthetic);
  - c. To the extent not already encompassed by issue 1(a), standard operating procedures or policies (as used by each department or division) regarding document retention, collection and management that existed at the time of the Defendant's original submission of its New Drug Application and/or Abbreviated New Drug Application for Byetta (exenatide synthetic) to the United States Food & Drug Administration.
  - d. To the extent not already encompassed by issue 1(b), the manner in which Defendants (as used by each department or division) actually retained, collected and managed documents relating to Byetta (exenatide synthetic) that existed at the time of the Defendants original submission of its New Drug Application and/or Abbreviated New Drug Application for Byetta (exenatide synthetic) to the United States Food & Drug Administration;
  - e. To the extent not already encompassed by issue 1(b), the depository identify and (as used by each department or division), if any, in which Defendants actually retain, collect and manage documents relating to Byetta (exenatide synthetic);
2. The following litigation related policies:
  - a. Policies for responding to litigation hold orders
  - b. Policies for executing litigation hold orders
  - c. Company employees responsible for complying with litigation hold orders
  - d. Policies for the collection of potentially discoverable documents.



## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Records Management, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

**WATTS GUERRA LLP**



---

Ryan L. Thompson (admitted *Pro Hac Vice*)  
Christopher V. Goodpastor (#199350)  
Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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Case No. 3:12-cv-02965; Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-03021; *Ann Jay, Individually and as Independent Executrix of the Estate of Jerry Jay, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03026; *James Gilbert, Jr. vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Stanley J. Marks  
Serena C. Montague  
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*Case No. 3:12-cv-02782; Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.; Patheon Pharmaceuticals, Inc.; Patheon Puerto Rico Inc. formerly known as Movia Pharmaceutical Corporation ; In the United States District Court for the Southern District of California, San Diego Division*

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**Amylin Pharmaceuticals, LLC represented by**

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**Novo Nordisk Inc., Novo Nordisk A/S** represented by:

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1 Christopher V. Goodpastor (#199350)  
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2 Ryan L. Thompson (admitted *Pro Hac Vice*)  
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3 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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4 WATTS GUERRA LLP  
5 5250 Prue Road, Suite 525  
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Office: 210.448.0500  
6 Fax: 210.448.0501

7 *Attorneys for Plaintiffs*

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

10 MOSES SCOTT, INDIVIDUALLY, AND AS  
11 THE ADMINISTRATOR OF THE ESTATE  
OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

12 Plaintiff,

13 v.

14  
15 MERCK & CO., INC, ET AL.

Defendants.

16 This document is also applicable to:

17 Wright v. Merck Co., et al., 12cv253-AJB  
18 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
19 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
20 Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
21 Raines v. Amylin Pharm., Inc., et al., 12cv256-AJB(MD)  
Haqq v. Amvlin Pharm., Inc., et al., 12cv2572-AJB(MD)  
22 Borden v. Merck & Co., Inc., et al. 12cv2782-AJB(MD)  
Ostman v. Amvlin Pharm., Inc., et al., 12cv2965-AJB(MD)  
23 Cacosia v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
Jav v. Amvlin Pharm., Inc., et al., 12cv3021-AJB(MD)  
24 Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
25 Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

26 PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED  
27 DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)  
28

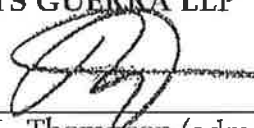
1 TO: Defendant Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals,  
2 Inc., by and through its attorneys of record Amy J Laurendeau,  
3 O'Melveny and Myers, 400 South Hope Street, Los Angeles, CA 90071-  
2899.

4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of O'Melveny and Myers, 400 South  
7 Hope Street, Los Angeles, CA 90071-2899. Defendant Amylin Pharmaceuticals, LLC  
8 f/k/a Amylin Pharmaceuticals, Inc. is requested to designate the person or persons  
9 most knowledgeable and prepared to testify on behalf of Amylin Pharmaceuticals,  
10 LLC f/k/a Amylin Pharmaceuticals, Inc. concerning the subject matter described on  
11 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on May 24,  
12 2013. If necessary, each deposition will be adjourned until completed.

13 Dated: April 16, 2013

Respectfully submitted,

14 WATTS GUERRA LLP

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
19 WATTS GUERRA LLP  
20 5250 Prue Road, Suite 525  
21 San Antonio, Texas 78240  
22 Office: 210.448.0500  
23 Fax: 210.448.0501

24 *Attorneys for Plaintiff*

## EXHIBIT A – CORPORATE STRUCTURE AND ORGANIZATION

1. The identity of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s parent, subsidiary and affiliate companies involved with the development of its pharmaceutical drug, Byetta (exenatide synthetic).
2. Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s corporate structure and organization, and more specifically:
  - a. The internal organizational structure of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s individual departments, groups, regions, divisions, committees and/or task forces;
  - b. The organizational structure within each of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s departments, groups, regions, divisions, committees and/or task forces, including the identity of the individuals who performed work related to Byetta (exenatide synthetic);
  - c. All persons, organizations, departments, entities, committees and/or task forces involved in the research, development, marketing and production of Byetta (exenatide synthetic); and
  - d. The functions, duties and responsibilities of each department, group, region, division, committees and/or task forces related to the development of or work with Byetta (exenatide synthetic).
3. The nature, location, storage and organization of all documents related to any meetings or activities of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s boards of directors and board of director committees and subcommittees, including but not limited to meeting minutes, reports, handouts and investigational documents from the date Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. first started researching and/or developing Byetta (exenatide synthetic) until the present.
4. All persons, organizations, departments, entities, committees and/or task forces involved in the research, development, marketing and production of Byetta (exenatide synthetic).



5. The structure of any working or functional department or group, including the identity of those individuals responsible for interacting with any in-house or third party sales force related to Byetta (exenatide synthetic), including any changes over time, and the contractual relationship(s) with those third parties.

8. The structure of any working or functional department or group, committee, and/or task force including the identity of those individuals responsible for tracking, recording, reporting, handling, following up on complaints, problems, and adverse event reports relating to Byetta (exenatide synthetic).

## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Corporate Structure and Organization, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

**WATTS GUERRA LLP**



---

Ryan L. Thompson (admitted *Pro Hac Vice*)  
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Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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Case No. 3:12-cv-02965; Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company; In the United States District Court for the Southern District of California, San Diego Division

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Marissa Christina Langhoff  
Napoli Bern Ripka Shkolnik & Associates LLP  
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(949)429-0892 (fax)

Case No. 3:12-cv-03021; *Ann Jay, Individually and as Independent Executrix of the Estate of Jerry Jay, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-02965; *Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03026; *James Gilbert, Jr. vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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and

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*Case No. 3:12-cv-02782; Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.; Patheon Pharmaceuticals, Inc.; Patheon Puerto Rico Inc. formerly known as Movia Pharmaceutical Corporation ; In the United States District Court for the Southern District of California, San Diego Division*

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3 Ryan L. Thompson (admitted *Pro Hac Vice*)  
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5 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
6 [mcwatts@wattsguerra.com](mailto:mcwatts@wattsguerra.com)  
7 WATTS GUERRA LLP  
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9 San Antonio, Texas 78240  
10 Office: 210.448.0500  
11 Fax: 210.448.0501

12 *Attorneys for Plaintiffs*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 MOSES SCOTT, INDIVIDUALLY, AND AS  
16 THE ADMINISTRATOR OF THE ESTATE  
17 OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

18 Plaintiff,

19 v.

20 MERCK & CO., INC, ET AL.

21 Defendants.

22 This document is also applicable to:

23 Wright v. Merck Co., et al., 12cv253-AJB  
24 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
25 Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
26 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
27 Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
28 Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
Raines v. Amylin Pharm., Inc., et al., 12cv256-AJB(MD)  
Haqq v. Amvlin Pharm., Inc., et al., 12cv2572-AJB(MD)  
Borden v. Merck & Co., Inc., et al. 12cv2782-AJB(MD)  
Ostman v. Amvlin Pharm., Inc., et al., 12cv2965-AJB(MD)  
Cacosa v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
Jav v. Amvlin Pharm., Inc., et al., 12cv3021-AJB(MD)  
Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

29 **PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED**

30 **DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)**

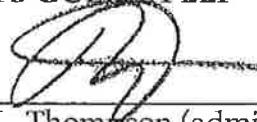
1 TO: Defendant Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals,  
2 Inc., by and through its attorneys of record Amy J Laurendeau,  
3 O'Melveny and Myers, 400 South Hope Street, Los Angeles, CA 90071-  
2899.

4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of O'Melveny and Myers, 400 South  
7 Hope Street, Los Angeles, CA 90071-2899. Defendant Amylin Pharmaceuticals, LLC  
8 f/k/a Amylin Pharmaceuticals, Inc. is requested to designate the person or persons  
9 most knowledgeable and prepared to testify on behalf of Amylin Pharmaceuticals,  
10 LLC f/k/a Amylin Pharmaceuticals, Inc. concerning the subject matter described on  
11 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on May 27,  
12 2013. If necessary, each deposition will be adjourned until completed.

13 Dated: April 16, 2013

Respectfully submitted,

14 WATTS GUERRA LLP

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
19 WATTS GUERRA LLP  
20 5250 Prue Road, Suite 525  
21 San Antonio, Texas 78240  
22 Office: 210.448.0500  
23 Fax: 210.448.0501

24 *Attorneys for Plaintiff*



## **EXHIBIT A – ELECTRONICALLY STORED INFORMATION**

1. The identity of all employees employed by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. during 1995 to present who are or were responsible for managing and maintaining its information technology infrastructure, including, but not limited to, mail, file, application, database and other servers, cloud, network, local and removable data storage services and/or systems and/or devices, backup systems, desktop computers, laptop computers, tablet devices, personal digital assistants (PDAs), cellular telephones, and other similar electronic systems and devices.

2. The identity of all nonemployee consultants, service providers, contractors, or similar entities retained by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. during 1995 to present who are or were responsible for provisioning, installing, servicing, managing, or maintaining its technology infrastructure, including, but not limited to, mail, file, application, database and other servers, cloud, network, local and removable data storage services and/or systems and/or devices, backup systems, desktop computers, laptop computers, tablet devices, personal digital assistants (PDAs), cellular telephones, and other similar electronic systems and devices.

3. The identification, description and operational function for all groups of connected computer systems used by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., during 1995 to present that enable users to share information and peripherals, collaborate, store information and transfer data, including, but not limited to, local area networks (LANs), wide area networks (WANs), client-server networks, virtual private networks (VPNs), storage area networks (SANs) and network attached storage (NASs); including equipment, devices, components, and network resources that establish and maintain the network environment.

4. The identification, description and operational function for all third-party remote, cloud or distributed connectivity by and between the computer systems and network environment used by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., during 1995 to present including services known as Software as a Service (SaaS), Platform as a Service (PaaS) and Infrastructure as a Service (IaaS).

5. The identification, description and operational function of any database or data compilation used by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., during 1995 to present and pertaining to potential health hazards, illnesses, diseases, injuries or side effects of Byetta (exenatide synthetic).

6. The identification, description and operational function of any database, data collection or data compilation used by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., during 1995 to present and pertaining to any testing or evaluation of Byetta (exenatide synthetic).

7. The identification, description and operation of any database, data collection or data compilation used by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., during 1995 to present and pertaining to any marketing or labeling of Byetta (exenatide synthetic).

8. The identification, description and operation of any database, data collection or data compilation used by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., during 1995 to present and pertaining to any effort to secure FDA approval for sale or distribution of Byetta (exenatide synthetic).

9. The identification, description and operation of any collaborative environment, extranet or virtual meeting or conferencing product and/or service used by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., during 1995 to present in connection with the development, evaluation, approval, labeling, marketing,

regulation or safety of Byetta (exenatide synthetic).

10. The identification, description and operation of any document or records management system used by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., during 1995 to present and containing records, documents or ESI pertaining to Byetta (exenatide synthetic).

11. A description of and the operation of each e-mail and messaging system used by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., during 1995 to present and used by any persons involved in the development, evaluation, approval, labeling, marketing, regulation or safety of Byetta (exenatide synthetic).

12. The steps (and any auditing of such steps) taken by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., and any of its employees to identify and preserve documents, records, communications and electronically stored information in connection with the instant litigation and prior, current or anticipated litigation involving the same or substantially similar allegations.

13. A description of policies and procedures of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., governing the use of removable media, such as recordable optical media, floppy disks, removable hard drives, flash drives, etc., during 1995 to present.

14. A description of the policies and procedures of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., governing the use of remote, cloud, or distributed computing or data storage services during 1995 to present.

15. A description of policies, procedures and practices (including rotation and retention schedules) used for backing up computer systems owned or used by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., and its employees, including a description of any hardware or software (and logs associated with the use

of same) used to perform such backups during 1995 to present.

16. A description of policies, procedures and practices of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., for archiving or journaling e-mail messages, including a description of any hardware or software, and any rules, schedules or settings used to perform such archival or journaling during 1995 to present.

17. A description of the components and configuration(s) employed by Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., for voice messaging systems, including all hardware, software, and third-party service providers used during 1995 to present.

18. A description of all policies, procedures, practices and audits pertaining to data retention and destruction during 1995 to present and a description of all hardware or software used to facilitate the deletion of data subject to any data-retention and/or data-destruction policies and procedures.

19. A description of any and all servers or other network storage devices, desktop computers, laptop computers, tablet devices, personal digital assistants (PDAs), cellular phones, removable storage media and other similar electronic data storage devices or media that have had their contents reformatted, wiped, or overwritten from since the attachment of the preservation duty in connection with this action.

20. A description of any and all information or data storage media or device relevant to this matter that was erased, wiped, deleted, physically destroyed, corrupted, damaged, lost, or overwritten, and what information was lost pursuant to any data retention and destruction policies.

21. The identification and description of any/all information or data provisioned by any/all third-party remote, cloud or distributed applications, services or

servers that was erased, wiped, deleted, physically destroyed, corrupted, damaged, lost, overwritten, or decommissioned due to discontinuation or migration from any applications, services, service providers or servers and what information was lost pursuant to any data retention and destruction policies.

22. The tools, systems and internal capabilities (including any limitations of same) of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., to perform automated collection, search or preservation of documents, records and electronically stored information in the company's care and custody or subject to its control.

## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Electronically Stored Information, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

**WATTS GUERRA LLP**



---

Ryan L. Thompson (admitted *Pro Hac Vice*)  
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Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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Case No. 3:12-cv-02965; *Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-03021; *Ann Jay, Individually and as Independent Executrix of the Estate of Jerry Jay, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-02965; *Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Thomas J. Preuss  
Wagstaff & Cartmell LLP  
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Kansas City Mo 64112  
(817)701-1168

Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03026; *James Gilbert, Jr. vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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and

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Facsimile: (949) 737-1504

Case No. 3:12-cv-02782; *Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.; Patheon Pharmaceuticals, Inc.; Patheon Puerto Rico Inc. formerly known as Mova Pharmaceutical Corporation* ; In the United States District Court for the Southern District of California, San Diego Division

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**Novo Nordisk Inc., Novo Nordisk A/S** represented by:

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1 Christopher V. Goodpastor (#199350)  
2 cgoodpastor@wattsguerra.com  
3 Ryan L. Thompson (admitted *Pro Hac Vice*)  
4 rthompson@wattsguerra.com  
5 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
6 mcwatts@wattsguerra.com  
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8 5250 Prue Road, Suite 525  
9 San Antonio, Texas 78240  
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11 Fax: 210.448.0501

12 *Attorneys for Plaintiffs*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 MOSES SCOTT, INDIVIDUALLY, AND AS  
16 THE ADMINISTRATOR OF THE ESTATE  
17 OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

18 Plaintiff,

19 v.

20 MERCK & CO., INC, ET AL.

21 Defendants.

22 This document is also applicable to:

23 Wright v. Merck Co., et al., 12cv253-AJB  
24 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
25 Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
26 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
27 Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
28 Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
Raines v. Amylin Pharm., Inc., et al., 12cv256-AJB(MD)  
Haqq v. Amvlin Pharm., Inc., et al., 12cv2572-AJB(MD)  
Borden v. Merck & Co., Inc., et al. 12cv2782-AJB(MD)  
Ostman v. Amvlin Pharm., Inc., et al., 12cv2965-AJB(MD)  
Cacosa v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
Jav v. Amvlin Pharm., Inc., et al., 12cv3021-AJB(MD)  
Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

29 PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED

30 DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)

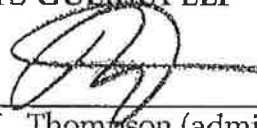
1 TO: Defendant Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals,  
2 Inc., by and through its attorneys of record Amy J Laurendeau,  
3 O'Melveny and Myers, 400 South Hope Street, Los Angeles, CA 90071-  
4 2899.

5 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
6 plaintiff will take the depositions upon oral examination, to be recorded by  
7 stenographic means and videotape, at the offices of O'Melveny and Myers, 400 South  
8 Hope Street, Los Angeles, CA 90071-2899. Defendant Amylin Pharmaceuticals, LLC  
9 f/k/a Amylin Pharmaceuticals, Inc. is requested to designate the person or persons  
10 most knowledgeable and prepared to testify on behalf of Amylin Pharmaceuticals,  
11 LLC f/k/a Amylin Pharmaceuticals, Inc. concerning the subject matter described on  
12 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on May 28,  
2013. If necessary, each deposition will be adjourned until completed.

13 Dated: April 16, 2013

Respectfully submitted,

14 WATTS GUERRA LLP

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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21 San Antonio, Texas 78240  
22 Office: 210.448.0500  
23 Fax: 210.448.0501

24 *Attorneys for Plaintiff*

## **EXHIBIT A – OUTSIDE CONTRACTORS/CONSULTANTS**

1. The identity (including the name, employer or the corporate entity the person is associated with, the time period in which the relationship existed, the title, role, function of the individual or entity, and a general description of the nature of the consultation or discussion) of all persons or entities that Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. consulted with or retained concerning Byetta (exenatide synthetic) from the date Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. first started developing Byetta (exenatide synthetic) until the present. Areas of inquiry related to the identity of these consultants will include but will not be limited to the following:

- a. Pre-Clinical Trials- design, preparation, conducting, monitory, analysis and submission;
- b. Clinical Trials- design, preparation, conducting, monitoring, analysis and submission;
- c. Public Relations;
- d. Media-Training;
- e. Press Releases - design, preparation, drafting and distribution;
- f. Marketing Materials - design, preparation, drafting and distribution;
- g. FDA Consultants;
- h. Firms and/or Individuals, who held themselves out to be experts in the area of FDA and other regulatory matters;
- i. Firms and Individuals, who held themselves out to be experts in the area of foreign government and/or regulatory matters;
- j. Package Insert and any other labeling design, preparation, drafting, printing, translation and distribution;
- k. Warnings - design, preparation, drafting and distribution;
- l. Dear Doctor Letters - design, preparation, drafting and distribution;

- m. Doctors, Ph.D.s, consultants and other experts in the area of the use of GLP-1 agonists and DPP-4 inhibitors;
- n. Salespersons and contract sales representatives;
- o. Scientific consultants;
- p. Adverse event evaluations, assessments, reporting, databases, or other expertise related to adverse events;
- q. Scientific studies and testing;
- r. Animal Studies conducted; and
- s. Drafting of manuscripts and other scientific literature for purposes of publication in any forum, including but not limited to peer-reviewed publications, abstracts, presentations and editorials.

2. The identity of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s third party consultants or entities retained for market research, advertising, and promotional, marketing and sales strategies, and the nature of the work done by those consultants and the time periods during which they were retained.

## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Outside Contractors/Consultants, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

**WATTS GUERRA LLP**



---

Ryan L. Thompson (admitted *Pro Hac Vice*)  
Christopher V. Goodpastor (#199350)  
Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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Case No. 3:12-cv-02965; *Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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*Case No. 3:12-cv-03021; Ann Jay, Individually and as Independent Executrix of the Estate of Jerry Jay, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company; In the United States District Court for the Southern District of California, San Diego Division*

*Case No. 3:12-cv-02965; Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company; In the United States District Court for the Southern District of California, San Diego Division*

*Case No. 3:12-cv-03020; Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company; In the United States District Court for the Southern District of California, San Diego Division*

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*Case No. 3:12-cv-03020; Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company; In the United States District Court for the Southern District of California, San Diego Division*

*Case No. 3:12-cv-03026; James Gilbert, Jr. vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company; In the United States District Court for the Southern District of California, San Diego Division*

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*Case No. 3:12-cv-02782; Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.; Patheon Pharmaceuticals, Inc.; Patheon Puerto Rico Inc. formerly known as Movia Pharmaceutical Corporation ; In the United States District Court for the Southern District of California, San Diego Division*

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5 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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12 *Attorneys for Plaintiffs*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 MOSES SCOTT, INDIVIDUALLY, AND AS  
16 THE ADMINISTRATOR OF THE ESTATE  
17 OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

18 Plaintiff,

19 v.

20 MERCK & CO., INC, ET AL.

21 Defendants.

22 This document is also applicable to:

23 Wright v. Merck Co., et al., 12cv253-AJB  
24 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
25 Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
26 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
27 Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
28 Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
Raines v. Amylin Pharm., Inc., et al., 12cv256-AJB(MD)  
Haqq v. Amvlin Pharm., Inc., et al., 12cv2572-AJB(MD)  
Borden v. Merck & Co., Inc., et al. 12cv2782-AJB(MD)  
Ostman v. Amvlin Pharm., Inc., et al., 12cv2965-AJB(MD)  
Cacosa v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
Jav v. Amvlin Pharm., Inc., et al., 12cv3021-AJB(MD)  
Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

29 PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED

30 DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)

1 TO: Defendant Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals,  
2 Inc., by and through its attorneys of record Amy J Laurendeau,  
3 O'Melveny and Myers, 400 South Hope Street, Los Angeles, CA 90071-  
2899.

4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of O'Melveny and Myers, 400 South  
7 Hope Street, Los Angeles, CA 90071-2899. Defendant Amylin Pharmaceuticals, LLC  
8 f/k/a Amylin Pharmaceuticals, Inc. is requested to designate the person or persons  
9 most knowledgeable and prepared to testify on behalf of Amylin Pharmaceuticals,  
10 LLC f/k/a Amylin Pharmaceuticals, Inc. concerning the subject matter described on  
11 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on May 29,  
12 2013. If necessary, each deposition will be adjourned until completed.

13 Dated: April 16, 2013

Respectfully submitted,

14 **WATTS GUERRA LLP**

15  
16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
19 WATTS GUERRA LLP  
20 5250 Prue Road, Suite 525  
21 San Antonio, Texas 78240  
22 Office: 210.448.0500  
23 Fax: 210.448.0501

24 *Attorneys for Plaintiff*

## EXHIBIT A – REGULATORY

1. The corporate organization and structure of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. relating to the approval, management, administration, operation and compliance with any and all U.S. pharmaceutical regulations applicable to Byetta (exenatide synthetic) from the date Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. first started developing Byetta (exenatide synthetic) until the present.

2. The corporate organization and structure of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. relating to the approval, management, administration, operation and compliance with any and all foreign pharmaceutical regulations applicable to Byetta (exenatide synthetic) from the date Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. first started developing Byetta (exenatide synthetic) until the present.

3. The identity of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s corporate officers and other employees (including but not limited to their titles, duties and dates of such responsibility) who were and are responsible for communicating with regulatory officials with the FDA and related regulatory bodies concerning regulatory approval and compliance with U.S. pharmaceutical regulations concerning Byetta (exenatide synthetic) from the date Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. first started developing Byetta (exenatide synthetic) until the present.

4. The identity of Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s corporate officers and other employees (including but not limited to their titles, duties and dates of such responsibility) who were and are

responsible for communicating with foreign regulatory bodies about Byetta (exenatide synthetic) from the date Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. first started developing Byetta (exenatide synthetic) until the present.

5. The corporate organization charts and structure of all Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s employees relating to Byetta (exenatide synthetic) from the date Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. first started developing Byetta (exenatide synthetic) until the present.

6. Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s practices and procedures for the review, submission and approval concerning Byetta (exenatide synthetic) relating to the following regulatory provisions:

- a. Labeling, contraindications and adverse event warnings;
- b. Post-marketing reporting and warnings; and
- c. The intake, investigation, processing, handling and reporting to the FDA and other governmental regulatory bodies of all adverse event reports.

7. The location, storage and organization of any and all documents that relate to U.S. and foreign regulatory affairs and matters concerning Byetta (exenatide synthetic), including but not limited to regulatory communications, interchanges between Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s personnel and any regulatory body or personnel, memoranda, electronic data, working drafts, regulatory guidance documents, internal writings, communications to and from Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc.'s personnel regarding regulatory matters, labeling records, drafts of labeling records, minutes of meetings with regulatory personnel, regulatory contact reports or sheets, Safety Update Reports, and any and all other documents which in any way relate to regulatory affairs

applicable to Byetta (exenatide synthetic) from the date Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. first started developing Byetta (exenatide synthetic) until the present.

8. Communications between Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. and the FDA regarding the marketing, sale, promotion or advertising of Byetta (exenatide synthetic).



## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Regulatory, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

**WATTS GUERRA LLP**



---

Ryan L. Thompson (admitted *Pro Hac Vice*)  
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Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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Case No. 3:12-cv-02965; *Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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(949)429-0892 (fax)

Case No. 3:12-cv-03021; *Ann Jay, Individually and as Independent Executrix of the Estate of Jerry Jay, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-02965; *Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-03026; *James Gilbert, Jr. vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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*Case No. 3:12-cv-02782; Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.; Patheon Pharmaceuticals, Inc.; Patheon Puerto Rico Inc. formerly known as Mova Pharmaceutical Corporation ; In the United States District Court for the Southern District of California, San Diego Division*

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**Amylin Pharmaceuticals, LLC represented by**

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**Novo Nordisk Inc., Novo Nordisk A/S** represented by:

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2 [cgoodpastor@wattsguerra.com](mailto:cgoodpastor@wattsguerra.com)  
3 Ryan L. Thompson (admitted *Pro Hac Vice*)  
4 [rthompson@wattsguerra.com](mailto:rthompson@wattsguerra.com)  
5 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
6 [mcwatts@wattsguerra.com](mailto:mcwatts@wattsguerra.com)  
7 WATTS GUERRA LLP  
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9 San Antonio, Texas 78240  
10 Office: 210.448.0500  
11 Fax: 210.448.0501

12 *Attorneys for Plaintiffs*

13  
14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 MOSES SCOTT, INDIVIDUALLY, AND AS  
17 THE ADMINISTRATOR OF THE ESTATE  
18 OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

19 Plaintiff,

20 v.

21 MERCK & CO., INC, ET AL.

22 Defendants.

23 This document is also applicable to:

24 Wright v. Merck Co., et al., 12cv253-AJB  
25 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
26 Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
27 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
28 Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
Raines v. Amylin Pharm., Inc., et al., 12cv256-AJB(MD)  
Haqq v. Amvlin Pharm., Inc., et al., 12cv2572-AJB(MD)  
Borden v. Merck & Co., Inc., et al. 12cv2782-AJB(MD)  
Ostman v. Amvlin Pharm., Inc., et al., 12cv2965-AJB(MD)  
Cacosa v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
Jav v. Amvlin Pharm., Inc., et al., 12cv3021-AJB(MD)  
Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

29 **PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED**  
30 **DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)**

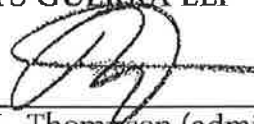
1 TO: Defendant Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals,  
2 Inc., by and through its attorneys of record Amy J Laurendeau,  
3 O'Melveny and Myers, 400 South Hope Street, Los Angeles, CA 90071-  
2899.

4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of O'Melveny and Myers, 400 South  
7 Hope Street, Los Angeles, CA 90071-2899. Defendant Amylin Pharmaceuticals, LLC  
8 f/k/a Amylin Pharmaceuticals, Inc. is requested to designate the person or persons  
9 most knowledgeable and prepared to testify on behalf of Amylin Pharmaceuticals,  
10 LLC f/k/a Amylin Pharmaceuticals, Inc. concerning the subject matter described on  
11 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on May 30,  
12 2013. If necessary, each deposition will be adjourned until completed.

13 Dated: April 16, 2013

Respectfully submitted,

14 WATTS GUERRA LLP

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
19 WATTS GUERRA LLP  
20 5250 Prue Road, Suite 525  
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22 Office: 210.448.0500  
23 Fax: 210.448.0501

24 *Attorneys for Plaintiff*

## **EXHIBIT A – STUDY MANAGEMENT**

### **1. Animal Studies (Pre-Clinical)**

- a. Individuals responsible for the management of Animal Studies associated with Byetta (exenatide synthetic).
- b. Policies and procedures for providing data from animal studies to the FDA and other world health regulatory agencies.
- c. Policies and procedures for the maintenance of animal study data including:
  - i. Cageside observations
  - ii. Pathology slides
  - iii. Any other data associated with a given study.
  - iv. Preliminary and Final study reports
- d. Databases and computer systems used in the conduct and maintenance of animal studies.
- e. Identification and location of materials for animal studies related to Byetta (exenatide synthetic).

### **2. Human Studies**

- a. Individuals responsible for the management of human studies associated with Byetta (exenatide synthetic).
- b. Policies and procedures for providing data from human studies to the FDA and other world health regulatory agencies.
- c. Policies and proceeds for the maintenance of human study data including:
  - i. Case report forms
  - ii. Pathology slides
  - iii. Clinical trial master files
  - iv. Any other data associated with a given study.
  - v. Preliminary and final study reports.
- d. Databases and computer systems used in the conduct and maintenance of human studies.
- e. Identification and location of materials for human studies related to Byetta (exenatide synthetic).




## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Study Management, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

**WATTS GUERRA LLP**



---

Ryan L. Thompson (admitted *Pro Hac Vice*)  
Christopher V. Goodpastor (#199350)  
Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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Case No. 3:12-cv-02965; *Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Thomas P. Cartmell  
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Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03026; *James Gilbert, Jr. vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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**Merck Sharp & Dohme Corp.** represented by

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## TJ Preuss

---

**From:** Ryan L. Thompson <rthompson@wattsguerra.com>  
**Sent:** Tuesday, April 16, 2013 7:18 PM  
**To:** Ryan L. Thompson  
**Cc:** karen.woodward@sedgwicklaw.com; michael.walsh@sedgwicklaw.com; vturner@wilsonturnerkosmo.com; Douglas Marvin; Paul Boehm; Eva Esber; Amy Laurendeau; weitzelh@pepperlaw.com Weitzel; Allan A. Thoen; Colleen C. Kelly; Kenneth J. King; Julia C. Weisberg; Raymond M. Williams; Hunter Shkolnik; TJ Preuss; Tom P. Cartmell; Ramon Lopez; Matthew Lopez; Mikal C. Watts; Tor Hoerman; 'jplattenberger@torhoermanlaw.com' (jplattenberger@torhoermanlaw.com)  
**Subject:** Eli Lilly 30(b)(6) Deposition Notices  
**Attachments:** Moses Scott Eli Lilly Notices.pdf

Ken/Allan,

Deposition notices related to Eli Lilly attached.

Same agreement and deal as below with all others. Please review and we'll work to find times/locations convenient to your clients.

Thanks very much,

Ryan

Ryan L. Thompson  
Managing Partner - Mass Torts  
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Licensed in Texas, Arizona, Illinois, and Oklahoma

On Apr 16, 2013, at 5:36 PM, Ryan L. Thompson wrote:

Amy:

Deposition notices related to Amylin attached.

Same agreement and deal as below. Please review and we'll work to find times/locations convenient to your clients.

Thanks very much,

Ryan

Ryan L. Thompson  
Managing Partner - Mass Torts  
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<Moses Scott Depo Notices4:16:13.pdf>

On Apr 15, 2013, at 4:37 PM, Ryan L. Thompson wrote:

Doug/Paul/Eva/Et./Al.:

Please find attached courtesy copies of 30(b)(6) deposition notices that were served on Merck today.

You will note that I took the liberty of providing placeholder dates and locations for these depositions. Please accept this email as my intent to work cooperatively with you on picking a time and location for these depositions. Once you have been able to review these notices, please let me know when you would like to get on a call to discuss the timing/location of same.

Note also, I will be sending out virtually identical notices to Amylin and Eli Lilly tomorrow. These notices will also have date and location placeholders, and I make the same agreement to work cooperatively re: those notices to find a convenient time and location for the depositions.

Thanks all and please let me know if there are any questions, etc.

Regards,

Ryan

P.S. -- I have emailed to everyone on the defense side that I have an email address for and are noted on the courts docket sheet for the consolidated cases. If I am omitting any defense counsel who require future notice, please kindly provide me with their email addresses.

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Managing Partner - Mass Torts  
Watts | Guerra LLP  
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<http://www.TheMassTortsLawyers.com/>

Licensed in Texas, Arizona, Illinois, and Oklahoma

<Merck Deposition Notices.pdf>

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3 Ryan L. Thompson (admitted *Pro Hac Vice*)  
4 rthompson@wattsguerra.com  
5 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
6 mcwatts@wattsguerra.com  
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9 San Antonio, Texas 78240  
10 Office: 210.448.0500  
11 Fax: 210.448.0501

12 *Attorneys for Plaintiffs*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 MOSES SCOTT, INDIVIDUALLY, AND AS  
16 THE ADMINISTRATOR OF THE ESTATE  
17 OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

18 Plaintiff,

19 v.

20 MERCK & CO., INC, ET AL.

21 Defendants.

22 This document is also applicable to:

23 Wright v. Merck Co., et al., 12cv253-AJB  
24 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
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Borden v. Merck & Co., Inc., et al. 12cv2782-AJB(MD)  
Ostman v. Amvlin Pharm., Inc., et al., 12cv2965-AJB(MD)  
Cacosa v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
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Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

**PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED**

**DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)**

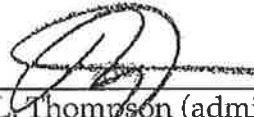
1 TO: Defendant Eli Lilly and Company, by and through its attorneys of record,  
2 Harry Paul Weitzel, Jeffrey Goldman, Pepper Hamilton LLP, 4 Park  
3 Plaza, Suite 1200, Irvine, CA 92614-5955; and Stephen P Swinton, Latham  
and Watkins, 12636 High Bluff Drive, Suite 400. San Diego, CA 92130.

4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of Pepper Hamilton LLP, 4 Park  
7 Plaza, Suite 1200, Irvine, California 92614. Defendant Eli Lilly and Company is  
8 requested to designate the person or persons most knowledgeable and prepared to  
9 testify on behalf of Eli Lilly and Company concerning the subject matter described on  
10 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on May 31,  
11 2013. If necessary, each deposition will be adjourned until completed.

12  
13 Dated: April 16, 2013

Respectfully submitted,

14 **WATTS GUERRA LLP**

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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21 *Attorneys for Plaintiff*  
22  
23  
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25  
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27  
28

## **EXHIBIT A – CORPORATE STRUCTURE AND ORGANIZATION**

1. The identity of Eli Lilly and Company's parent, subsidiary and affiliate companies involved with the development of its pharmaceutical drug, Byetta (exenatide synthetic).
2. Eli Lilly and Company's corporate structure and organization, and more specifically:
  - a. The internal organizational structure of Eli Lilly and Company's individual departments, groups, regions, divisions, committees and/or task forces;
  - b. The organizational structure within each of Eli Lilly and Company's departments, groups, regions, divisions, committees and/or task forces, including the identity of the individuals who performed work related to Byetta (exenatide synthetic);
  - c. All persons, organizations, departments, entities, committees and/or task forces involved in the research, development, marketing and production of Byetta (exenatide synthetic); and
  - d. The functions, duties and responsibilities of each department, group, region, division, committees and/or task forces related to the development of or work with Byetta (exenatide synthetic).
3. The nature, location, storage and organization of all documents related to any meetings or activities of Eli Lilly and Company's boards of directors and board of director committees and subcommittees, including but not limited to meeting minutes, reports, handouts and investigational documents from the date Eli Lilly and Company first started researching and/or developing Byetta (exenatide synthetic) until the present.
4. All persons, organizations, departments, entities, committees and/or task forces involved in the research, development, marketing and production of Byetta (exenatide synthetic).
5. The structure of any working or functional department or group,

including the identity of those individuals responsible for interacting with any in-house or third party sales force related to Byetta (exenatide synthetic), including any changes over time, and the contractual relationship(s) with those third parties.

8. The structure of any working or functional department or group, committee, and/or task force including the identity of those individuals responsible for tracking, recording, reporting, handling, following up on complaints, problems, and adverse event reports relating to Byetta (exenatide synthetic).

## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Corporate Structure and Organization, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

WATTS GUERRA LLP



---

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Marissa Christina Langhoff  
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(949)234-6032  
(949)429-0892 (fax)

Case No. 3:12-cv-03021; *Ann Jay, Individually and as Independent Executrix of the Estate of Jerry Jay, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-02965; *Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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(817)701-1168

Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03026; *James Gilbert, Jr. vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Serena C. Montague  
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and

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Facsimile: (949) 737-1504

*Case No. 3:12-cv-02782; Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.; Patheon Pharmaceuticals, Inc.; Patheon Puerto Rico Inc. formerly known as Movia Pharmaceutical Corporation ; In the United States District Court for the Southern District of California, San Diego Division*

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**Novo Nordisk Inc., Novo Nordisk A/S** represented by:

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DLA Piper  
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Philadelphia, PA 19103

1 Christopher V. Goodpastor (#199350)  
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2 Ryan L. Thompson (admitted *Pro Hac Vice*)  
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3 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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4 WATTS GUERRA LLP  
5 5250 Prue Road, Suite 525  
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6 Office: 210.448.0500  
Fax: 210.448.0501

7 *Attorneys for Plaintiffs*

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

10 MOSES SCOTT, INDIVIDUALLY, AND AS  
11 THE ADMINISTRATOR OF THE ESTATE  
OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

12 Plaintiff,

13 v.

14  
15 MERCK & CO., INC, ET AL.

16 Defendants.

This document is also applicable to:

17 Wright v. Merck Co., et al., 12cv253-AJB  
18 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
19 Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
20 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
21 Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
22 Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
23 Raines v. Amylin Pharm., Inc., et al., 12cv256-AJB(MD)  
24 Haqq v. Amylin Pharm., Inc., et al., 12cv2572-AJB(MD)  
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27 Jav v. Amylin Pharm., Inc., et al., 12cv3021-AJB(MD)  
28 Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
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Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

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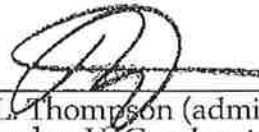
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2 Harry Paul Weitzel, Jeffrey Goldman, Pepper Hamilton LLP, 4 Park  
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5 plaintiff will take the depositions upon oral examination, to be recorded by  
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7 Plaza, Suite 1200, Irvine, California 92614. Defendant Eli Lilly and Company is  
8 requested to designate the person or persons most knowledgeable and prepared to  
9 testify on behalf of Eli Lilly and Company concerning the subject matter described on  
10 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on June 3,  
11 2013. If necessary, each deposition will be adjourned until completed.

12  
13 Dated: April 16, 2013

Respectfully submitted,

14 **WATTS GUERRA LLP**

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
19 WATTS GUERRA LLP  
20 5250 Prue Road, Suite 525  
21 San Antonio, Texas 78240  
22 Office: 210.448.0500  
23 Fax: 210.448.0501

24 *Attorneys for Plaintiff*

## EXHIBIT A – RECORDS MANAGEMENT

### 1. The following document retention policies, procedures and topics:

- a. Standard operating procedures or policies (as used by each department or division) regarding document retention, collection and management that would encompass documents relating to Byetta (exenatide synthetic);
- b. The manner in which Defendants (as used by each department or division) have actually retained, collected and managed documents relating to Byetta (exenatide synthetic);
- c. To the extent not already encompassed by issue 1(a), standard operating procedures or policies (as used by each department or division) regarding document retention, collection and management that existed at the time of the Defendant's original submission of its New Drug Application and/or Abbreviated New Drug Application for Byetta (exenatide synthetic) to the United States Food & Drug Administration.
- d. To the extent not already encompassed by issue 1(b), the manner in which Defendants (as used by each department or division) actually retained, collected and managed documents relating to Byetta (exenatide synthetic) that existed at the time of the Defendants original submission of its New Drug Application and/or Abbreviated New Drug Application for Byetta (exenatide synthetic) to the United States Food & Drug Administration;
- e. To the extent not already encompassed by issue 1(b), the depository identify and (as used by each department or division), if any, in which Defendants actually retain, collect and manage documents relating to Byetta (exenatide synthetic);

### 2. The following litigation related policies:

- a. Policies for responding to litigation hold orders
- b. Policies for executing litigation hold orders
- c. Company employees responsible for complying with litigation hold orders
- d. Policies for the collection of potentially discoverable documents.

## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Records Management, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

**WATTS GUERRA LLP**



---

Ryan L. Thompson (admitted *Pro Hac Vice*)  
Christopher V. Goodpastor (#199350)  
Mikal C. Watts (*Pro Hac Vice* application anticipated)  
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Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Thomas P. Cartmell  
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Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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7 *Attorneys for Plaintiffs*

8 IN THE UNITED STATES DISTRICT COURT  
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10 MOSES SCOTT, INDIVIDUALLY, AND AS  
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OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

12 Plaintiff,

13 v.

14 MERCK & CO., INC, ET AL.  
15

Defendants.  
16

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Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
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Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
20 Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
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4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of Pepper Hamilton LLP, 4 Park  
7 Plaza, Suite 1200, Irvine, California 92614. Defendant Eli Lilly and Company is  
8 requested to designate the person or persons most knowledgeable and prepared to  
9 testify on behalf of Eli Lilly and Company concerning the subject matter described on  
10 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on June 4,  
11 2013. If necessary, each deposition will be adjourned until completed.

12  
13 Dated: April 16, 2013

Respectfully submitted,

14 WATTS GUERRA LLP

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
19 WATTS GUERRA LLP  
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22 Office: 210.448.0500  
23 Fax: 210.448.0501

24 *Attorneys for Plaintiff*

## EXHIBIT A – ADVERSE EVENT REPORTING

1. Communications between Eli Lilly and Company and the FDA concerning the review, analysis and summaries of post-marketing adverse event reports regarding prescription drug, Byetta (exenatide synthetic).

2. The processes and procedures used by Eli Lilly and Company in connection with processing of adverse event reports, including the identification of policy manuals, SOPs, and safety or pharmacovigilance manuals.

3. Policies, procedures, training material, instructions, protocols, definitions and other writings which in any way relate to the collecting, analysis, follow-up, investigation, grading and reporting of injuries and damages associated with, the use of Eli Lilly and Company

4. Any and all Post Market reporting and/or Post Marketing Surveillance documents and materials including all Medwatch forms, all Adverse Experience (AE) reports, all corresponding documents, materials, notes, written and electronic data, medical records, correspondence, follow up communications, investigations and memoranda relating to every and all adverse experiences and/or events concerning the use of Byetta (exenatide synthetic), reported to, aware of and/or known by, defendants.

5. Copies of each source file or back-up file that contains documentation, records, memoranda, emails, consultant reports and other material that supports any and all data reported to FDA, foreign regulatory agencies, third party consultants and company safety surveyors, and which files and material are available to those responsible for reviewing, analyzing, summarizing, investigating and reporting Adverse Experiences to any source, including FDA.

6. Databases, computer programs or other means used to track any and all reports of adverse events in patients who received Byetta (exenatide synthetic).

7. Any and all information Defendants have presented to any Regulatory Agency, including the FDA and any foreign regulatory agency, regarding the submission of any adverse events, including any and all documents provided to the Regulatory Agencies in reporting adverse events.

8. Any and all standard operating procedures used to identify which adverse events will be reported to any regulatory agency, and the manner and timeframe in which the adverse events will be reported.

9. Any and all data analysis or trends of adverse events that were reported to Eli Lilly and Company in patients injected with Byetta (exenatide synthetic), including any studies, research or documents prepared to reflect any analysis or trend.

10. Any and all writings which reflect, discuss and include adverse event reports evaluations, safety-related hypothesis and the use of techniques to evaluate these hypotheses.

11. Educational, promotional and instructive initiatives designed to emphasize the responsibility of Health Care Providers to identify and report adverse events related to the use of Byetta (exenatide synthetic).

12. Databases, computer programs or other means used to report to FDA, senior management at your company, outside consultants and company representatives who interact and communicate with health care providers reports of adverse events in patients who received Byetta (exenatide synthetic).

13. Written material, brochures, sales aids, training material, scripts and instructions provided to company representatives who interact and communicate with health care providers regarding reports of adverse events in patients who received Byetta (exenatide synthetic).

14. Signal detection practices including any automated tools used to find,

assess, and or review safety signals.

15. Scientific literature published by any employee of the company concerning adverse event reporting, pharmacovigilance, or signal detection practices.

16. Copies of presentations made by any employee of the company to any outside organization concerning adverse event reporting, pharmacovigilance, or signal detection.

17. Copies of posters presented by any employee of the company to any outside organization concerning adverse event reporting, pharmacovigilance, or signal detection.

## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Adverse Event Reporting, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

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---

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Case No. 3:12-cv-02965; Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company; In the United States District Court for the Southern District of California, San Diego Division



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Case No. 3:12-cv-03021; *Ann Jay, Individually and as Independent Executrix of the Estate of Jerry Jay, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-02965; *Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-02782; *Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.*;

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3 Ryan L. Thompson (admitted *Pro Hac Vice*)  
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12 *Attorneys for Plaintiffs*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 MOSES SCOTT, INDIVIDUALLY, AND AS  
16 THE ADMINISTRATOR OF THE ESTATE  
17 OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

18 Plaintiff,

19 v.

20 MERCK & CO., INC, ET AL.

21 Defendants.

22 This document is also applicable to:

23 Wright v. Merck Co., et al., 12cv253-AJB  
24 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
25 Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
26 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
27 Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
28 Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
Raines v. Amylin Pharm., Inc., et al., 12cv256-AJB(MD)  
Haqq v. Amvlin Pharm., Inc., et al., 12cv2572-AJB(MD)  
Borden v. Merck & Co., Inc., et al. 12cv2782-AJB(MD)  
Ostman v. Amvlin Pharm., Inc., et al., 12cv2965-AJB(MD)  
Cacosa v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
Jav v. Amvlin Pharm., Inc., et al., 12cv3021-AJB(MD)  
Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

29 **PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED**  
30 **DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)**

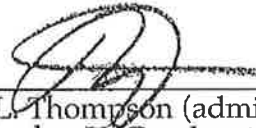
1 TO: Defendant Eli Lilly and Company, by and through its attorneys of record,  
2 Harry Paul Weitzel, Jeffrey Goldman, Pepper Hamilton LLP, 4 Park  
3 Plaza, Suite 1200, Irvine, CA 92614-5955; and Stephen P Swinton, Latham  
and Watkins, 12636 High Bluff Drive, Suite 400. San Diego, CA 92130.

4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of Pepper Hamilton LLP, 4 Park  
7 Plaza, Suite 1200, Irvine, California 92614. Defendant Eli Lilly and Company is  
8 requested to designate the person or persons most knowledgeable and prepared to  
9 testify on behalf of Eli Lilly and Company concerning the subject matter described on  
10 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on June 5,  
11 2013. If necessary, each deposition will be adjourned until completed.

12  
13 Dated: April 16, 2013

Respectfully submitted,

14 WATTS GUERRA LLP

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
19 WATTS GUERRA LLP  
20 5250 Prue Road, Suite 525  
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22 Office: 210.448.0500  
23 Fax: 210.448.0501

24 *Attorneys for Plaintiff*

## **EXHIBIT A – ELECTRONICALLY STORED INFORMATION**

1. The identity of all employees employed by Eli Lilly and Company during 2000 to present who are or were responsible for managing and maintaining its information technology infrastructure, including, but not limited to, mail, file, application, database and other servers, cloud, network, local and removable data storage services and/or systems and/or devices, backup systems, desktop computers, laptop computers, tablet devices, personal digital assistants (PDAs), cellular telephones, and other similar electronic systems and devices.

2. The identity of all nonemployee consultants, service providers, contractors, or similar entities retained by Eli Lilly and Company during 2000 to present who are or were responsible for provisioning, installing, servicing, managing, or maintaining its technology infrastructure, including, but not limited to, mail, file, application, database and other servers, cloud, network, local and removable data storage services and/or systems and/or devices, backup systems, desktop computers, laptop computers, tablet devices, personal digital assistants (PDAs), cellular telephones, and other similar electronic systems and devices.

3. The identification, description and operational function for all groups of connected computer systems used by Eli Lilly and Company, during 2000 to present that enable users to share information and peripherals, collaborate, store information and transfer data, including, but not limited to, local area networks (LANs), wide area networks (WANs), client-server networks, virtual private networks (VPNs), storage area networks (SANs) and network attached storage (NASs); including equipment, devices, components, and network resources that establish and maintain the network environment.

4. The identification, description and operational function for all third-

party remote, cloud or distributed connectivity by and between the computer systems and network environment used by Eli Lilly and Company, during 2000 to present including services known as Software as a Service (SaaS), Platform as a Service (PaaS) and Infrastructure as a Service (IaaS).

5. The identification, description and operational function of any database or data compilation used by Eli Lilly and Company, during 2000 to present and pertaining to potential health hazards, illnesses, diseases, injuries or side effects of Byetta (exenatide synthetic).

6. The identification, description and operational function of any database, data collection or data compilation used by Eli Lilly and Company, during 2000 to present and pertaining to any testing or evaluation of Byetta (exenatide synthetic).

7. The identification, description and operation of any database, data collection or data compilation used by Eli Lilly and Company, during 2000 to present and pertaining to any marketing or labeling of Byetta (exenatide synthetic).

8. The identification, description and operation of any database, data collection or data compilation used by Eli Lilly and Company, during 2000 to present and pertaining to any effort to secure FDA approval for sale or distribution of Byetta (exenatide synthetic).

9. The identification, description and operation of any collaborative environment, extranet or virtual meeting or conferencing product and/or service used by Eli Lilly and Company, during 2000 to present in connection with the development, evaluation, approval, labeling, marketing, regulation or safety of Byetta (exenatide synthetic).

10. The identification, description and operation of any document or records management system used by Eli Lilly and Company, during 2000 to present and



containing records, documents or ESI pertaining to Byetta (exenatide synthetic).

11. A description of and the operation of each e-mail and messaging system used by Eli Lilly and Company, during 2000 to present and used by any persons involved in the development, evaluation, approval, labeling, marketing, regulation or safety of Byetta (exenatide synthetic).

12. The steps (and any auditing of such steps) taken by Eli Lilly and Company, and any of its employees to identify and preserve documents, records, communications and electronically stored information in connection with the instant litigation and prior, current or anticipated litigation involving the same or substantially similar allegations.

13. A description of policies and procedures of Eli Lilly and Company, governing the use of removable media, such as recordable optical media, floppy disks, removable hard drives, flash drives, etc., during 2000 to present.

14. A description of the policies and procedures of Eli Lilly and Company, governing the use of remote, cloud, or distributed computing or data storage services during 2000 to present.

15. A description of policies, procedures and practices (including rotation and retention schedules) used for backing up computer systems owned or used by Eli Lilly and Company, and its employees, including a description of any hardware or software (and logs associated with the use of same) used to perform such backups during 2000 to present.

16. A description of policies, procedures and practices of Eli Lilly and Company, for archiving or journaling e-mail messages, including a description of any hardware or software, and any rules, schedules or settings used to perform such archival or journaling during 2000 to present.

17. A description of the components and configuration(s) employed by Eli Lilly and Company, for voice messaging systems, including all hardware, software, and third-party service providers used during 2000 to present.

18. A description of all policies, procedures, practices and audits pertaining to data retention and destruction during 2000 to present and a description of all hardware or software used to facilitate the deletion of data subject to any data-retention and/or data-destruction policies and procedures.

19. A description of any and all servers or other network storage devices, desktop computers, laptop computers, tablet devices, personal digital assistants (PDAs), cellular phones, removable storage media and other similar electronic data storage devices or media that have had their contents reformatted, wiped, or overwritten from since the attachment of the preservation duty in connection with this action.

20. A description of any and all information or data storage media or device relevant to this matter that was erased, wiped, deleted, physically destroyed, corrupted, damaged, lost, or overwritten, and what information was lost pursuant to any data retention and destruction policies.

21. The identification and description of any/all information or data provisioned by any/all third-party remote, cloud or distributed applications, services or servers that was erased, wiped, deleted, physically destroyed, corrupted, damaged, lost, overwritten, or decommissioned due to discontinuation or migration from any applications, services, service providers or servers and what information was lost pursuant to any data retention and destruction policies.

22. The tools, systems and internal capabilities (including any limitations of same) of Eli Lilly and Company, to perform automated collection, search or preservation of documents, records and electronically stored information in the

company's care and custody or subject to its control.

## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Electronically Stored Information, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

**WATTS GUERRA LLP**



---

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Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-03026; *James Gilbert, Jr. vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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*Case No. 3:12-cv-02782; Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.; Patheon Pharmaceuticals, Inc.; Patheon Puerto Rico Inc. formerly known as Mova Pharmaceutical Corporation ; In the United States District Court for the Southern District of California, San Diego Division*

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12 *Attorneys for Plaintiffs*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 MOSES SCOTT, INDIVIDUALLY, AND AS  
16 THE ADMINISTRATOR OF THE ESTATE  
17 OF REGINA KELLY, DECEASED

18 Plaintiff,

19 v.

20 MERCK & CO., INC, ET AL.

21 Defendants.

Case No. 12cv2549-AJB (MDD)

22 This document is also applicable to:

23 Wright v. Merck Co., et al., 12cv253-AJB  
24 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
25 Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
26 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
27 Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
28 Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
Raines v. Amylin Pharm., Inc., et al., 12cv256-AJB(MD)  
Haqq v. Amvlin Pharm., Inc., et al., 12cv2572-AJB(MD)  
Borden v. Merck & Co., Inc., et al. 12cv2782-AJB(MD)  
Ostman v. Amvlin Pharm., Inc., et al., 12cv2965-AJB(MD)  
Cacosa v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
Jav v. Amvlin Pharm., Inc., et al., 12cv3021-AJB(MD)  
Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

**PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED**

**DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)**

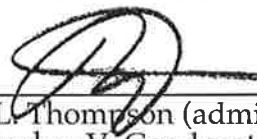
1 TO: Defendant Eli Lilly and Company, by and through its attorneys of record,  
2 Harry Paul Weitzel, Jeffrey Goldman, Pepper Hamilton LLP, 4 Park  
3 Plaza, Suite 1200, Irvine, CA 92614-5955; and Stephen P Swinton, Latham  
and Watkins, 12636 High Bluff Drive, Suite 400. San Diego, CA 92130.

4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of Pepper Hamilton LLP, 4 Park  
7 Plaza, Suite 1200, Irvine, California 92614. Defendant Eli Lilly and Company is  
8 requested to designate the person or persons most knowledgeable and prepared to  
9 testify on behalf of Eli Lilly and Company concerning the subject matter described on  
10 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on June 6,  
11 2013. If necessary, each deposition will be adjourned until completed.

12  
13 Dated: April 16, 2013

Respectfully submitted,

14 WATTS GUERRA LLP

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24 *Attorneys for Plaintiff*

## **EXHIBIT A – OUTSIDE CONTRACTORS/CONSULTANTS**

1. The identity (including the name, employer or the corporate entity the person is associated with, the time period in which the relationship existed, the title, role, function of the individual or entity, and a general description of the nature of the consultation or discussion) of all persons or entities that Eli Lilly and Company consulted with or retained concerning Byetta (exenatide synthetic) from the date Eli Lilly and Company first started developing Byetta (exenatide synthetic) until the present. Areas of inquiry related to the identity of these consultants will include but will not be limited to the following:

- a. Pre-Clinical Trials- design, preparation, conducting, monitory, analysis and submission;
- b. Clinical Trials- design, preparation, conducting, monitoring, analysis and submission;
- c. Public Relations;
- d. Media-Training;
- e. Press Releases - design, preparation, drafting and distribution;
- f. Marketing Materials - design, preparation, drafting and distribution;
- g. FDA Consultants;
- h. Firms and/or Individuals, who held themselves out to be experts in the area of FDA and other regulatory matters;
- i. Firms and Individuals, who held themselves out to be experts in the area of foreign government and/or regulatory matters;
- j. Package Insert and any other labeling design, preparation, drafting, printing, translation and distribution;
- k. Warnings - design, preparation, drafting and distribution;
- l. Dear Doctor Letters - design, preparation, drafting and distribution;
- m. Doctors, Ph.D.s, consultants and other experts in the area of the use of GLP-1 agonists and DPP-4 inhibitors;

- n. Salespersons and contract sales representatives;
- o. Scientific consultants;
- p. Adverse event evaluations, assessments, reporting, databases, or other expertise related to adverse events;
- q. Scientific studies and testing;
- r. Animal Studies conducted; and
- s. Drafting of manuscripts and other scientific literature for purposes of publication in any forum, including but not limited to peer-reviewed publications, abstracts, presentations and editorials.

2. The identity of Eli Lilly and Company's third party consultants or entities retained for market research, advertising, and promotional, marketing and sales strategies, and the nature of the work done by those consultants and the time periods during which they were retained.

## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Outside Contractors/Consultants, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

**WATTS GUERRA LLP**



---

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Case No. 3:12-cv-02965; Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-03021; *Ann Jay, Individually and as Independent Executrix of the Estate of Jerry Jay, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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(817)701-1168

Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03026; *James Gilbert, Jr. vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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*Case No. 3:12-cv-02782; Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.; Patheon Pharmaceuticals, Inc.; Patheon Puerto Rico Inc. formerly known as Mova Pharmaceutical Corporation ; In the United States District Court for the Southern District of California, San Diego Division*

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7 *Attorneys for Plaintiffs*

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

10 MOSES SCOTT, INDIVIDUALLY, AND AS  
11 THE ADMINISTRATOR OF THE ESTATE  
OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

12 Plaintiff,

13 v.

14 MERCK & CO., INC, ET AL.  
15

Defendants.  
16

This document is also applicable to:

17 Wright v. Merck Co., et al., 12cv253-AJB  
18 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
19 Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
20 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
21 Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
22 Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
23 Raines v. Amylin Pharm., Inc., et al., 12cv256-AJB(MD)  
24 Haqq v. Amvlin Pharm., Inc., et al., 12cv2572-AJB(MD)  
25 Borden v. Merck & Co., Inc., et al. 12cv2782-AJB(MD)  
Ostman v. Amvlin Pharm., Inc., et al., 12cv2965-AJB(MD)  
Cacosa v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
Jav v. Amvlin Pharm., Inc., et al., 12cv3021-AJB(MD)  
Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

26 PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED

27 DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)  
28

1 TO: Defendant Eli Lilly and Company, by and through its attorneys of record,  
2 Harry Paul Weitzel, Jeffrey Goldman, Pepper Hamilton LLP, 4 Park  
3 Plaza, Suite 1200, Irvine, CA 92614-5955; and Stephen P Swinton, Latham  
and Watkins, 12636 High Bluff Drive, Suite 400. San Diego, CA 92130.

4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of Pepper Hamilton LLP, 4 Park  
7 Plaza, Suite 1200, Irvine, California 92614. Defendant Eli Lilly and Company is  
8 requested to designate the person or persons most knowledgeable and prepared to  
9 testify on behalf of Eli Lilly and Company concerning the subject matter described on  
10 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on June 7,  
11 2013. If necessary, each deposition will be adjourned until completed.

12  
13 Dated: April 16, 2013

Respectfully submitted,

14 WATTS GUERRA LLP

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
17 Christopher V. Goodpastor (#199350)  
18 Mikal C. Watts (*Pro Hac Vice* application anticipated)  
19 WATTS GUERRA LLP  
20 5250 Prue Road, Suite 525  
21 San Antonio, Texas 78240  
22 Office: 210.448.0500  
23 Fax: 210.448.0501

24 *Attorneys for Plaintiff*

## **EXHIBIT A – REGULATORY**

1. The corporate organization and structure of Eli Lilly and Company relating to the approval, management, administration, operation and compliance with any and all U.S. pharmaceutical regulations applicable to Byetta (exenatide synthetic) from the date Eli Lilly and Company first started developing Byetta (exenatide synthetic) until the present.

2. The corporate organization and structure of Eli Lilly and Company relating to the approval, management, administration, operation and compliance with any and all foreign pharmaceutical regulations applicable to Byetta (exenatide synthetic) from the date Eli Lilly and Company first started developing Byetta (exenatide synthetic) until the present.

3. The identity of Eli Lilly and Company's corporate officers and other employees (including but not limited to their titles, duties and dates of such responsibility) who were and are responsible for communicating with regulatory officials with the FDA and related regulatory bodies concerning regulatory approval and compliance with U.S. pharmaceutical regulations concerning Byetta (exenatide synthetic) from the date Eli Lilly and Company first started developing Byetta (exenatide synthetic) until the present.

4. The identity of Eli Lilly and Company's corporate officers and other employees (including but not limited to their titles, duties and dates of such responsibility) who were and are responsible for communicating with foreign regulatory bodies about Byetta (exenatide synthetic) from the date Eli Lilly and Company first started developing Byetta (exenatide synthetic) until the present.

5. The corporate organization charts and structure of all Eli Lilly and

Company's employees relating to Byetta (exenatide synthetic) from the date Eli Lilly and Company first started developing Byetta (exenatide synthetic) until the present.

6. Eli Lilly and Company's practices and procedures for the review, submission and approval concerning Byetta (exenatide synthetic) relating to the following regulatory provisions:

- a. Labeling, contraindications and adverse event warnings;
- b. Post-marketing reporting and warnings; and
- c. The intake, investigation, processing, handling and reporting to the FDA and other governmental regulatory bodies of all adverse event reports.

7. The location, storage and organization of any and all documents that relate to U.S. and foreign regulatory affairs and matters concerning Byetta (exenatide synthetic), including but not limited to regulatory communications, interchanges between Eli Lilly and Company's personnel and any regulatory body or personnel, memoranda, electronic data, working drafts, regulatory guidance documents, internal writings, communications to and from Eli Lilly and Company's personnel regarding regulatory matters, labeling records, drafts of labeling records, minutes of meetings with regulatory personnel, regulatory contact reports or sheets, Safety Update Reports, and any and all other documents which in any way relate to regulatory affairs applicable to Byetta (exenatide synthetic) from the date Eli Lilly and Company first started developing Byetta (exenatide synthetic) until the present.

8. Communications between Eli Lilly and Company and the FDA regarding the marketing, sale, promotion or advertising of Byetta (exenatide synthetic).

## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Regulatory, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

WATTS GUERRA LLP



---

Ryan L. Thompson (admitted *Pro Hac Vice*)  
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Case No. 3:12-cv-03026; *James Gilbert, Jr. vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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*Case No. 3:12-cv-02782; Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.; Patheon Pharmaceuticals, Inc.; Patheon Puerto Rico Inc. formerly known as Mova Pharmaceutical Corporation ; In the United States District Court for the Southern District of California, San Diego Division*

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12 *Attorneys for Plaintiffs*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 MOSES SCOTT, INDIVIDUALLY, AND AS  
16 THE ADMINISTRATOR OF THE ESTATE  
17 OF REGINA KELLY, DECEASED

Case No. 12cv2549-AJB (MDD)

18 Plaintiff,

19 v.

20 MERCK & CO., INC, ET AL.

21 Defendants.

22 This document is also applicable to:

23 Wright v. Merck Co., et al., 12cv253-AJB  
24 Riley v. Merck & Co., Inc., et al., 12cv256-AJB(MD)  
25 Smith v. Merck & Co. Inc., et al., 12cv257-AJB(MD)  
26 Garber v. Amylin Pharm., Inc., et al., 12cv2560-AJB(MD)  
27 Skinner v. Merck & Co., Inc., et al., 12cv2561-AJB(MD)  
28 Thomas v. Amylin Pharm., Inc., et al., 12cv2562-AJB(MD)  
Raines v. Amylin Pharm., Inc., et al., 12cv256-AJB(MD)  
Haqq v. Amvlin Pharm., Inc., et al., 12cv2572-AJB(MD)  
Borden v. Merck & Co., Inc., et al. 12cv2782-AJB(MD)  
Ostman v. Amvlin Pharm., Inc., et al., 12cv2965-AJB(MD)  
Cacosa v. Amylin Pharm., Inc., et al., 12cv3020-AJB(MD)  
Jav v. Amvlin Pharm., Inc., et al., 12cv3021-AJB(MD)  
Gilbert v. Amylin Pharm., Inc., et al., 12cv3026-AJB(MD)  
Kovelman v. Amylin Pharm., Inc., et al., 12cv3079-AJB(MD)  
Raesky v. Merck & Co., Inc., et al., 13cv76-AJB(MD)

29 **PLAINTIFF'S NOTICE OF INTENTION TO TAKE THE ORAL/VIDEOTAPED**

30 **DEPOSITION PURSUANT TO FED. R. CIV. P. 30(B)(6)**

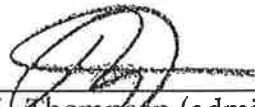
1 TO: Defendant Eli Lilly and Company, by and through its attorneys of record,  
2 Harry Paul Weitzel, Jeffrey Goldman, Pepper Hamilton LLP, 4 Park  
3 Plaza, Suite 1200, Irvine, CA 92614-5955; and Stephen P Swinton, Latham  
and Watkins, 12636 High Bluff Drive, Suite 400. San Diego, CA 92130.

4 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) and 45 and LR 30.1,  
5 plaintiff will take the depositions upon oral examination, to be recorded by  
6 stenographic means and videotape, at the offices of Pepper Hamilton LLP, 4 Park  
7 Plaza, Suite 1200, Irvine, California 92614. Defendant Eli Lilly and Company is  
8 requested to designate the person or persons most knowledgeable and prepared to  
9 testify on behalf of Eli Lilly and Company concerning the subject matter described on  
10 Exhibit A attached hereto. The deposition(s) will commence at 9:00 a.m. on June 10,  
11 2013. If necessary, each deposition will be adjourned until completed.

12  
13 Dated: April 16, 2013

Respectfully submitted,

14 WATTS GUERRA LLP

15 

16 Ryan L. Thompson (admitted *Pro Hac Vice*)  
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24 *Attorneys for Plaintiff*

## EXHIBIT A – STUDY MANAGEMENT

### 1. Animal Studies (Pre-Clinical)

- a. Individuals responsible for the management of Animal Studies associated with Byetta (exenatide synthetic).
- b. Policies and procedures for providing data from animal studies to the FDA and other world health regulatory agencies.
- c. Policies and procedures for the maintenance of animal study data including:
  - i. Cageside observations
  - ii. Pathology slides
  - iii. Any other data associated with a given study.
  - iv. Preliminary and Final study reports
- d. Databases and computer systems used in the conduct and maintenance of animal studies.
- e. Identification and location of materials for animal studies related to Byetta (exenatide synthetic).

### 2. Human Studies

- a. Individuals responsible for the management of human studies associated with Byetta (exenatide synthetic).
- b. Policies and procedures for providing data from human studies to the FDA and other world health regulatory agencies.
- c. Policies and proceeds for the maintenance of human study data including:
  - i. Case report forms
  - ii. Pathology slides
  - iii. Clinical trial master files
  - iv. Any other data associated with a given study.
  - v. Preliminary and final study reports.
- d. Databases and computer systems used in the conduct and maintenance of human studies.
- e. Identification and location of materials for human studies related to Byetta (exenatide synthetic).

## PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on April 16, 2013, I served a copy of the foregoing Plaintiff's Notice of Intention to Take the Oral/Videotaped Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), Exhibit A – Study Management, and this Proof of Service upon all interested counsel and/or parties via facsimile or First Class Mail in accordance with the Service List below.

Dated: April 16, 2013

Respectfully submitted,

WATTS GUERRA LLP



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Case No. 3:12-cv-02965; Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-03021; *Ann Jay, Individually and as Independent Executrix of the Estate of Jerry Jay, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-02965; *Cheryl Ostman, Individually and as the Successor in Interest to the Estate of Ingrid Farha, Deceased, and Surviving Heir of Ingrid Farha, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:12-cv-03020; *Ronald Cacossa vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:12-cv-03026; *James Gilbert, Jr. vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly & Company*; In the United States District Court for the Southern District of California, San Diego Division

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Facsimile: (949) 737-1504

*Case No. 3:12-cv-02782; Christopher Borden, Individually and as the Administrator of the Estate of Ruby Borden, Deceased vs. Amylin Pharmaceuticals, Inc.; Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Merck Sharp & Dohme Ltd.; Merck Sharp & Dohme (Italia) S.P.A., Inc.; Patheon Pharmaceuticals, Inc.; Patheon Puerto Rico Inc. formerly known as Mova Pharmaceutical Corporation ; In the United States District Court for the Southern District of California, San Diego Division*

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